

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

KEVIN FORD, #360139,  
Plaintiff,

v.

CHARLES TRAUGHER, et al.,  
Defendants.

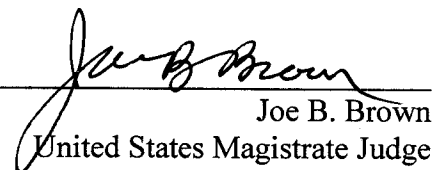
)  
)  
)  
)  
)  
)  
)

Case No. 3:11-1222  
Judge Trauger/Brown  
**Jury Demand**

**ORDER**

Presently pending is a motion to dismiss filed on behalf of all Defendants. (Docket Entry 18). Plaintiff has filed a response to this motion. (Docket Entry 21). In this response, Plaintiff cites Tennessee code § 40-28-117(b)(2), which grants certain inmates mandatory parole. This statute would have some effect on the outcome of the motion, but only if Plaintiff was convicted prior to July 1, 1982 and has a sentence concluding in the near future. This Court has reviewed the record and found no mention by either party of the date of conviction or the length of the sentence.<sup>1</sup> As such, both parties have fourteen (14) days to submit briefs on the matter, including the date of conviction and the length of the sentence.

It is so **ORDERED**.

  
Joe B. Brown  
United States Magistrate Judge

---

<sup>1</sup>In his application for leave to proceed *In Forma Pauperis*, Plaintiff's age is noted as 40 in December of 2011. (Docket Entry 2). While it seems implausible that Plaintiff would be sentenced as a preteen to over 30 years in prison, out of an abundance of caution the Magistrate Judge will not assume this is not the case.